

AMENDED IN SENATE APRIL 3, 2008

**SENATE BILL**

**No. 1282**

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**Introduced by Senator Margett**

(Principal coauthor: Assembly Member Levine)

**(Coauthor: Senator Harman)**

(Coauthor: Assembly Member Horton)

February 19, 2008

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An act to amend Section 7570 of, and to add Section 7560.5 to, the Business and Professions Code, relating to private investigators.

LEGISLATIVE COUNSEL'S DIGEST

SB 1282, as amended, Margett. Private investigators: continuing education.

Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services within the Department of Consumer Affairs. Existing law requires an applicant for licensure to submit a specified application, meet certain requirements, and pay a fee not to exceed \$175. Existing law provides that a private investigator license expires 2 years following the date of issuance, or on the assigned renewal date. A licensee is required to apply for a renewal and pay a renewal fee not to exceed \$125 in order to renew his or her license.

This bill would require licensees, as a condition of license renewal, to complete 12 hours of continuing education in specified subjects. The bill would require a licensee for renewal to submit to the department a statement signed under penalty of perjury attesting that he or she has completed the specified continuing education requirements. *The bill would specify that these continuing education requirements do not apply to any individual licensed as a private investigator who is 70 or older*

*and has been in good standing for at least 25 consecutive years or is an inactive licensed private investigator, as defined. The bill would authorize an inactive licensee to become active by, among other things, submitting to the department a statement signed under penalty of perjury attesting that he or she has completed the specified continuing education requirements.* The bill would specify standards to be met by continuing education providers, and the bill would require the department to convene a review panel to consult with the department in the consideration and approval of course providers and course content. The bill would also increase the fee for an original license to up to \$195 and the renewal fee to up to \$145. Because this bill would expand the crime of perjury, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 7560.5 is added to the Business and
- 2 Professions Code, to read:
- 3 7560.5. (a) Any individual licensed as a private investigator
- 4 shall complete 12 hours of continuing education, as approved by
- 5 the department, in order to renew his or her license, and of these,
- 6 two hours shall be in the subject of privacy rights, two hours shall
- 7 be in the subject of professional ethics, two hours shall be on the
- 8 subject of recent legal developments relating to private
- 9 investigators, and six hours shall be on any subject relating to
- 10 private investigators.
- 11 (b) A licensee shall submit to the department a statement signed
- 12 under penalty of perjury attesting that he or she has completed the
- 13 continuing education requirement in subdivision (a). This statement
- 14 shall be submitted with the license renewal application.
- 15 (c) A licensee shall maintain, for a period of five years, copies
- 16 of certificates of continuing education completion demonstrating
- 17 compliance with the continuing education requirement in
- 18 subdivision (a).

(d) The department may suspend the license of any licensee who is found not to be in compliance with subdivision (a), (b), or (c), for a period not to exceed 60 days, at which time the department shall revoke the license unless the required continuing education has been completed and documented.

(e) The department shall have the right to audit the records of any licensee to verify completion of the continuing education requirement.

(f) Notwithstanding subdivision (a), a licensee renewing his or her license during the period from January 1, 2009, to December 31, 2009, inclusive, shall submit to the department a statement signed under penalty of perjury attesting that he or she has completed six hours of continuing education in any subject or subjects described in subdivision (a).

*(g) This section shall not apply to any individual licensed as a private investigator who meets either of the following requirements:*

*(1) Is 70 years of age or older and has been a licensee in good standing for a minimum of 25 consecutive years.*

*(2) Is an inactive licensed private investigator.*

*(A) For the purposes of this subdivision, "inactive licensed investigator" shall mean an individual who meets all of the following requirements:*

*(i) Is licensed under this act.*

*(ii) Has informed the department that he or she will not be performing activities that require licensure.*

*(iii) Does not perform activities requiring licensure.*

*(iv) Has paid a biennial fee of sixty-two dollars and fifty cents (\$62.50).*

*(B) A licensee who is inactive under this paragraph may become active at the beginning of the regular, two-year license registration period upon submission to the department of a statement signed under penalty of perjury attesting that he or she has completed the continuing education requirements in subdivision (a), and upon payment of the renewal fee, as specified in Section 7570, to the department.*

~~(g)~~

*(h) Continuing education providers (CEPs) shall obtain approval from the department prior to offering a course for continuing education to licensed private investigators.*

1 (1) CEPs shall submit to the department a course description,  
2 certificate, and curriculum vitae of course instructors for review  
3 and approval.

4 (2) CEPs shall maintain a record of course sign-in forms,  
5 sign-out forms, student enrollment, copies of certificates of  
6 completion, and course outlines for a period of five years.

7 (3) CEPs shall agree to audits performed by the department.

8 (4) The director may revoke or deny the right of a CEP to offer  
9 continuing education for failure to comply with any of the  
10 requirements of this subdivision.

11 ~~(h)~~

12 (i) (1) The department shall establish a procedure for approving  
13 CEPs to offer continuing education to licensed private  
14 investigators.

15 (2) The department shall convene a review panel to consult with  
16 the department in the consideration and approval of CEPs and  
17 course content. The review panel shall include representatives of  
18 CEPs and professional associations of licensed private  
19 investigators. Accredited academic institutions and recognized  
20 national and state associations of licensed private investigators  
21 shall be approved by the department as CEPs.

22 (3) The department shall develop criteria for course providers  
23 and course content that, to the extent applicable and feasible, is  
24 consistent with the provisions of Section 166.

25 SEC. 2. Section 7570 of the Business and Professions Code is  
26 amended to read:

27 7570. The fees prescribed by this chapter are as follows:

28 (a) The application and examination fee for an original license  
29 may not exceed fifty dollars (\$50).

30 (b) The application fee for an original branch office certificate  
31 may not exceed thirty dollars (\$30).

32 (c) The fee for an original license for a private investigator may  
33 not exceed one hundred ninety-five dollars (\$195).

34 (d) The renewal fee is as follows:

35 (1) For a license as a private investigator, the fee may not exceed  
36 one hundred forty-five dollars (\$145).

37 (2) For a combination license as a private investigator and  
38 private patrol operator under Chapter 11.5 (commencing with  
39 Section 7580), AC or DC prefix, the fee may not exceed six  
40 hundred dollars (\$600).

1 (3) For a branch office certificate for a private investigator, the  
2 fee may not exceed thirty dollars (\$30), and for a combination  
3 private investigator and private patrol operator under Chapter 11.5  
4 (commencing with Section 7580), the fee may not exceed forty  
5 dollars (\$40).

6 (e) The delinquency fee is 50 percent of the renewal fee in effect  
7 on the date of expiration.

8 (f) A reinstatement fee is equal to the amount of the renewal  
9 fee plus the regular delinquency fee.

10 (g) The fee for reexamination of an applicant or his or her  
11 manager may not exceed fifteen dollars (\$15).

12 SEC. 3. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.